


Approved:  _____
THOMAS S. BURNETT
Assistant United States Attorney

Before: THE HONORABLE DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York

20M9667

- - - - - X
UNITED STATES OF AMERICA : 20 Mag. _____
:
- v. - : RULE 5(c)(3)
: AFFIDAVIT
DARY ALBERTO FERMIN, :
:
Defendant. :
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss:

JASON COOPER, being duly sworn, deposes and says that he is a Special Agent with Department of Homeland Security Investigations and charges as follows:

On or about September 1, 2020, the United States District Court for the Eastern District of Pennsylvania issued a warrant for the arrest of "Dary Alberto Fermin" in connection with a criminal complaint charging "Dary Alberto Fermin" with violations of Title 18, United States Code, Sections 371 (conspiracy to commit offenses against the United States), 2314 (interstate transportation of stolen property), and 1028A (aggravated identity theft). A copy of the arrest warrant is attached as Exhibit A hereto and incorporated by reference herein.

I believe that DARY ALBERTO FERMIN, the defendant, who arrested on September 10, 2020, in the Southern District of New York, is the same person as the "Dary Alberto Fermin" who is wanted by the United States District Court for the Eastern District of Pennsylvania.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with Department of Homeland Security Investigations. I have been personally involved in determining whether DARY ALBERTO FERMIN, the defendant, is the

same individual as the "Dary Alberto Fermin" named in the September 1, 2020 arrest warrant from the United States District Court for the Eastern District of Pennsylvania. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. Based on my review of documents from the United States District Court for the Eastern District of Pennsylvania, I know that, on or about September 1, 2020, the United States District Court for the Eastern District of Pennsylvania issued a warrant for the arrest of "Dary Alberto Fermin" (the "Arrest Warrant"). The Arrest Warrant was based on a complaint charging "Dary Alberto Fermin" with violations of Title 18, United States Code, Sections 371 (conspiracy to commit offenses against the United States), 2314 (interstate transportation of stolen property), and 1028A (aggravated identity theft). The Arrest Warrant was issued by United States Magistrate Judge Richard A. Lloret, in the Eastern District of Pennsylvania.

3. On September 10, 2020, at approximately 8:00 am, DARY ALBERTO FERMIN, the defendant, was arrested in the Bronx, New York.

4. Law enforcement officers from New York and Pennsylvania showed me surveillance photographs of the "Dary Alberto Fermin" involved in the underlying Eastern District of Pennsylvania matter and named and sought in the Arrest Warrant.

5. Based on my visual comparison of the provided photographs with DARY ALBERTO FERMIN, the defendant, I believe that the "Dary Alberto Fermin" sought in the Arrest Warrant is the defendant, DARY ALBERTO FERMIN.

6. From my participation in the arrest of DARY ALBERTO FERMIN, the defendant, I have also learned the following:

a. When law enforcement called FERMIN prior to the arrest, FERMIN responded to the name "Dary."

b. Incident to FERMIN's arrest, law enforcement recovered an identification card in the name of "Dary A. Fermin" from a wallet that was on FERMIN's person.

7. Accordingly, I believe that the "Dary Alberto Fermin" sought in the Arrest Warrant is the defendant, DARY ALBERTO FERMIN.

WHEREFORE, I respectfully request that DARY ALBERTO FERMIN, the defendant, be imprisoned or bailed as the case may be.

s/Jason Cooper, by the Court, w/permission

JASON COOPER

Special Agent

Department of Homeland Security

Immigration and Custom Enforcement

Sworn to before me this
10th day of September, 2020.

A handwritten signature in blue ink, appearing to read "Debra Freeman", is written over a horizontal line.

THE HONORABLE DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York

EXHIBIT A

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Dary Alberto Fermin
and Iyaury Rodriguez

Case No. 20-mj-1457-1, 2

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2019 until November 2019 in the county of Lehigh in the
Eastern District of PA and elsewhere, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. section 371	Conspiracy to commit bank fraud, wire fraud, interstate transportation of goods taken by fraud and aggravated identity theft
18 U.S.C. section 2314	Interstate transportation of goods taken by fraud
18 U.S.C. section 1028A	Aggravated identity theft

This criminal complaint is based on these facts:

SEE ATTACHMENT A, attached hereto

☒ Continued on the attached sheet.*st*John T. Arruda*Complainant's signature*

John T. Arruda, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

September 1, 2020

Date:

*s/Richard A. Lloret**Judge's signature*City and state: Philadelphia PA

Richard A. Lloret U.S.M.J.

Printed name and title

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Dary Alberto Fermin

Case No. 20-mj-1457-1

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Dary Alberto Fermin

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

From in or about January, 2019, until in or about November, 2019, the defendant conspired with persons known and unknown to obtain loans using false identities, in order to fraudulently purchase cars and other vehicles; "wash" the vehicle titles to make it appear that there were no liens on the vehicles; fail to repay the loans; and transport the cars in interstate or foreign commerce, all in violation of 18 U.S.C. section 371. On January 24, 2019, January 30, 2019, February 1, 2019 and February 8, 2019, the defendant used false identities to purchase cars and other vehicles, in violation of 18 U.S.C. section 1028A, and transported stolen property in interstate commerce, in violation of 18 U.S.C. section 2314.

Date: September 1, 2020s/Richard A. Lloret*Issuing officer's signature*City and state: Philadelphia PARichard A. Lloret, United States Magistrate Judge*Printed name and title*

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Ilyaury Rodriguez

Case No. 20-mj- 1457-2

*Defendant***ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Ilyaury Rodriguez

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

From in or about January, 2019, until in or about November, 2019, the defendants conspired with persons known and unknown to obtain loans using false identities, in order to fraudulently purchase cars and other vehicles; "wash" the vehicle titles to make it appear that there were no liens on the vehicles; fail to repay the loans; and transport the cars in interstate or foreign commerce, all in violation of 18 U.S.C. section 371. On January 24, 2019, January 30, 2019, February 1, 2019 and February 8, 2019, the defendant used false identities to purchase cars and other vehicles, in violation of 18 U.S.C. section 1028A, and transported stolen property in interstate commerce, in violation of 18 U.S.C. section 2314.

Date: September 1, 2020

s/Richard A. Lloret

Issuing officer's signature

City and state: Philadelphia PA

Richard A. Lloret, United States Magistrate Judge

*Printed name and title***Return**

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*